

REMARKS

The Examiner required restriction of one of the following inventions:

- I. Claims 1-53, drawn to an animal trap/a trap system.
- II. Claim 54, drawn to a method of electrocuting an animal.
- III. Claim 55, drawn to a method where an electrocuting animal trap comprises a water-level detector.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1-53. Applicant specifically reserves the right to file a divisional application directed to non-elected claims 54 and 55.

With respect to Applicant's traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention." (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Groups I, II and III.

In response to the election of species requirement, applicants respectfully elect Species I, illustrated in figure 1A, upon which at least claims 1-4, 12-13, 16-24, 36-38, 42-50, and 53 read, with traverse.

Applicants respectfully assert that each of alleged Species I-XI are not mutually exclusive, and therefore are not proper species. Applicants respectfully request the examiner to withdraw the election of species for this reason.

Upon the allowance of generic independent claim 1, applicants respectfully request rejoinder and allowance of all claims depending from independent claim 1.

Applicants specifically reserve the right to file a divisional application on all non-elected species.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

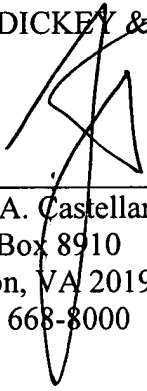
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$460.00 extension fee herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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